

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

August 17, 2009 – 7:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Jon Barber, Vice-Chairman
Raymond Coltrain, Member
Tina Hall, Member
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 7:00 pm.

Commissioner Coltrain provided the Invocation and also led the Pledge of Allegiance.

Chairman Ford announced that food was needed for the food pantry for the Department of Social Services. Chairman Ford said the food was for people who had applied for assistance and were awaiting approval.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the minutes of the August 3, 2009 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Mitchell moved approval of the Consent Agenda. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following:

- A. Approval to Reschedule Public Hearing for Proposed Road Name of Wisconsin Drive to September 8, 2009
- B. Approval to Reschedule Public Hearing for Proposed Road Name of Foggy Hollow Road to September 8, 2009
- C. Approval of Resolution Approving the Tax Administrator's Annual Settlement (which are hereby made part of these minutes)

RESOLUTION APPROVING THE TAX ADMINISTRATOR'S ANNUAL SETTLEMENT FISCAL YEAR: 2008 – 2009 TAX YEAR: 2008 AND PRIOR YEARS

BE IT RESOLVED by the Board of County Commissioners of Rowan County that the following documents attached hereto are received and approved, consisting of the following:

- (1) Tax Collections Manager's Cumulative Collections Tax Report
 - (2) Tax Collections Manager's Collections Summary
 - (3) Tax Collections Manager's Real and Personal Property Tax Report
 - (4) Tax Collections Manager's Utility Tax Report
 - (5) Tax Collections Manager's Vehicle Tax Report
 - (6) Tax Collections Manager's Table of Insolvents (1998)
- D. Set Public Hearing for September 8, 2009 for Financing of Vehicles and Equipment
 - E. Set Public Hearing for September 8, 2009 for Financing of Town Creek Sewer Line Project
 - F. Approval of Resolution Awarding Contract for Purchase of Twelve Patrol Vehicles for Sheriff's Department

RESOLUTION AWARDDING CONTRACT FOR THE PURCHASE OF TWELVE PATROL VEHICLES FOR THE ROWAN COUNTY SHERIFF'S DEPARTMENT

WHEREAS, after due advertisement for the waiver of competitive bidding for the purchase of 12 patrol vehicles for the Rowan County Sheriff's Department, it is the recommendation of the Finance Department and the Sheriff's Department that the contract be awarded to Ilderton Dodge;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Rowan County to award a contract for the purchase of 12 2010 Dodge Charger patrol vehicles for the Sheriff's Department from Ilderton Dodge at a total cost not to exceed \$255,024.

2. PUBLIC COMMENT PERIOD

Chairman Ford opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Rod Whedbee discussed the government's approach and impact on the local economy. Mr. Whedbee said the County was facing real budget shortfalls and that increasing taxes to replace lost revenues was a disaster for citizens. Mr. Whedbee felt it would be criminal to burden taxpayers with higher taxes.
- Larry Wright expressed appreciation to Commissioner Hall for pursuing the issues with the ABC Board and he also thanked the Board for appointing new leadership to the ABC Board. Mr. Wright said he appreciated the openness of county government.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

3. QUASI-JUDICIAL HEARING FOR CUP 01-01 FOR ALBERT RAY KEPLEY

Chairman Ford informed the Board that Albert Kepley worked for Cheerwine, which was one of the advertising clients at Chairman Ford's radio station. Chairman Ford said the contract he had was with Mr. Ritchie and that he had dealt with Mr. Kepley in the past. Chairman Ford asked if the Board preferred for him to recuse himself from the issue.

Commissioner Hall stated she would like to hear from County Attorney Jay Dees on the matter.

Mr. Dees said he did not see a conflict as long as the disclosure was made. Mr. Dees said there was no direct financial relationship between the board member and the applicant.

Commissioner Hall said she did not see any reason for Chairman Ford to recuse himself based on Mr. Dees opinion.

In response to a query from Chairman Ford, Mr. Dees said there was no need to take a vote on the issue.

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-01 to be in session. Chairman Ford said the hearing would focus on an application submitted by Albert Ray Kepley for the property located at the 1400 block of Kepley Road. The request was to allow for the construction of a 900 square foot residential storage facility on vacant Tax Parcel 313 017.

The Clerk swore in those wishing to provide testimony in the case. Planner Andy Goodall reviewed the Staff Report (Exhibit B).

Mr. Goodall said Mr. Kepley requested a conditional use permit to allow construction of a 900 square foot residential storage facility on his vacant parcel located on Kepley Road. The building would be used to store a licensed enclosed trailer, as well as tools and items currently being stored in an existing tin barn on the parcel.

Mr. Goodall said based on the site plan that had been provided and the specific and general evaluation criteria, Staff recommended approval of the request.

Commissioner Mitchell asked if Staff had received any calls concerning the request and Mr. Goodall said no. Mr. Goodall said Staff did receive one letter of support from the closest neighbor.

Commissioner Coltrain asked if the old structure would remain on the site and Mr. Goodall said yes.

Commissioner Mitchell moved approval of the Findings of Fact as presented by Staff (Exhibit C). The motion was seconded by Commissioner Barber and passed unanimously.

The Findings of Fact were listed as follows:

- 1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.**

FACT: *The parcel has sufficient frontage (200') along Kepley Road (SR 1953) with an existing 16' gravel entrance that is piped and gated.*

FACT: *The building will be used to store a trailer and other items that are currently being stored in an existing barn on the parcel, which should result in little or no change in traffic or parking.*

- 2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;**

FACT: *No material evidence was presented suggesting this proposal would injure property values for adjoining lots.*

- 3. That the location and character of the development in accordance with proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.**

FACT: *The proposed structure (900ft²) will be constructed of versa steel painted metal and will be located near an existing tin barn on the parcel.*

FACT: *The proposed structure will be setback approximately 200' from Kepley Road and will be screened from adjacent properties by the surrounding wooded areas.*

Commissioner Mitchell moved, based on the Findings of Fact, approval of CUP 01-09. The motion was seconded by Commissioner Barber and passed unanimously.

4. CONSIDER APPROVAL OF SNIA 03-09

Planner Andy Goodall said Ken Jones had submitted a Special Non-Residential Intensity Allocation (SNIA) request to build a 756 square foot gazebo at Millbridge Elementary. Mr. Goodall said based on the site plan provided, Staff recommended approval.

Commissioner Hall asked if the source of funding for the gazebo was known and Mr. Goodall said no.

Commissioner Coltrain asked if the structure would be on school property and Mr. Goodall said yes.

Commissioner Hall said she would have preferred to have known the source of funding for the project and at that point, Michelle Patterson came forward to address the Board. Ms. Patterson said she served on the PTA for Millbridge Elementary and she reported that funding was through the Healthy Living Grant, which was a 2-year grant.

Commissioner Mitchell moved approval of SNIA 03-09. The motion was seconded by Commissioner Barber and carried unanimously.

5. CONSIDER PROPOSAL FROM MILLER DAVIS FOR A LIGHTED CHRISTMAS PARK

Mike Miller, President of Miller Davis Studios provided a power point presentation and discussed a proposal for a lighted Christmas Park in Summit Corporate Center.

The highlights for the proposal were as follows:

- A one-mile drive through Christmas light display at Summit Corporate Center that would feature more than 100 computer-animated, lighted holiday displays and five to six themed areas.
- The event would run from Wednesday, November 25, 2009 to Sunday, January 3, 2010 for a minimum of 30 operational days. Operational hours would be approximately 6:00 p.m. 11:00 p.m.

Mr. Miller described the tone for the event as festive with holiday food vendors. Mr. Miller said the event would not be a religious event and that all attempts would be made to avoid controversy over use of public lands for a Christmas event.

Mr. Miller said the entrance to the attraction would be located on Julian Road with the exit being located on Old Concord Road. An ice skating rink and a Christmas Village would be located midway through the park.

Mr. Miller said admission would range from \$15 for cars, \$35 for vehicles with 8-25 passengers and \$90 for vehicles with 26-plus passengers. Mr. Miller said carriage and hay rides, as well as trolley rides would be offered.

Mr. Miller said marketing for the event would cost approximately \$60,000 - \$100,000 and he continued by describing the marketing plans.

Mr. Miller explained that with Board approval, the event would donate \$1 per car to the Rowan-Salisbury School System for the purpose of purchasing school supplies or other needs. Mr. Miller said the EDC would organize a special evening for the North Carolina Department of Commerce and the super-regional real estate development and brokerage communities.

The event would require a partnership of various entities including Midwest Display, Inc., Miller Davis, Rowan County Tourism Development Authority, Rowan County Economic Development Commission and Downtown Salisbury, Inc. Mr. Miller stressed that the park would be a tourism event.

Mr. Miller discussed the experience of Midwest Display Inc. and pointed out a list of references, which were included in the agenda packet.

Mr. Miller described the role of Miller Davis as event promoter, coordinator and provider of marketing support. Mr. Miller said non-profit organizations would be solicited to assist with a day of volunteer labor in exchange for a percentage of the evening's receipts for ticket-taking and other tasks. Mr. Miller said there was also a possibility that a discount could be offered to visitors who brought food on a designated night to help stock a food pantry.

Mr. Miller said the investment by Midwest Display, Inc. would be valued at more than \$350,000 and that an insurance rider would be provided as specified by the County.

Mr. Miller reviewed the estimated economic impact, which he said was a conservative estimate of \$1.3 million-plus.

Mr. Miller said he had asked the Clerk to the Board to distribute a Question and Answer sheet to the Board prior to the meeting, which addressed additional questions the Board might have. Mr. Miller emphasized that the efforts were to bring tourism to Rowan County and to help promote SCC.

Mr. Miller stated that Midwest Display, Inc. had agreed to move the ice skating rink for a period of time to downtown Salisbury once the lighted park concluded in January.

Mr. Miller reported that an independent auditor would be hired to monitor daily receipts and complete a full accounting at the end of all events. Mr. Miller said a traffic counter would also be in place.

Mr. Miller concluded by saying the Tourism Development Authority (TDA) Board and the Economic Development Commission (EDC) Board had voted to unanimously support the project.

Chairman Ford called both, the TDA Executive Director James Meacham, and the EDC Executive Director Robert Van Geons forward and asked if the event could take place between their two (2) respective agencies. Mr. Van Geons said the EDC could not promote the event based on current staff. Mr. Meacham said private dollars would pay for marketing, which was estimated at \$60,000 to \$100,000. Mr. Meacham said the TDA did not set aside these funds and he also stated that his experience was with one-day festivals and not an event of the magnitude that would require 50 to 60 people for the length of time outlined.

Commissioner Mitchell said the last time the County had entered into a "significant financial burden with an entertainment venture, we ended up with a baseball park". Commissioner Mitchell said he believed there would be the potential for earnings for some companies but he pointed out those companies were the ones taking the risks.

Commissioner Barber said he had heard the presentation made by Mr. Miller to the Chairman and to the County Manager on July 10, 2009. Commissioner Barber said he had asked many questions since that time and that the Question and Answer sheet distributed before the current meeting had addressed many of his questions.

Commissioner Barber asked who would pay the electric bill for the lights and Mr. Miller said the burden for total operations for the drive through park would be the sole responsibility of Midwest Display, Inc. and Miller Davis.

Commissioner Barber said the idea for the use of trolleys from downtown Salisbury to SCC was an interesting idea and should be expanded further. Commissioner Barber questioned the feasibility of Rowan Transit System changing its schedule to help citizens who could not come out in a car. Commissioner Barber felt transit pickup should be considered to get those citizens downtown to catch the trolley.

Commissioner Barber referred to the difficult economy and said he felt the park would provide a great opportunity for citizens with no risk to the County.

Commissioner Barber said the County did not have a lot of new revenue sources and he pointed out that the park would draw people to restaurants, etc., as well as provide job opportunities.

Commissioner Barber questioned the timeframe for a decision from the Commissioners. Mr. Miller said, "The season is now" with Christmas only four (4) months away. Mr. Miller said there would be time to finalize details of a formal contract; however, he was seeking a decision from the Commissioners for support of the event.

Commissioner Barber mentioned rent/contracts used with various groups that utilize the county-owned fairgrounds property.

Commissioner Hall asked who the vendors would be. Mr. Miller said the village itself, which included the concession area, would be run by Midwest Display, Inc.

Commissioner Hall referred to the estimate of 30,000 cars and questioned the percentage or "take" of the village. Mr. Miller explained that typically one in every five vehicles stop at the village. Mr. Miller said there are other factors that determine the number of vehicles that stop, including the weather. Mr. Miller said Midwest Display, Inc. had never sponsored a park during such tough economic times, which made the Rowan park a bigger risk for Midwest Display, Inc.

In response to a query from Commissioner Hall, Mr. Miller said Midwest Display, Inc. was a private company and that he had no way of knowing what the total revenue would be.

Commissioner Hall asked if Mr. Miller had questioned the company's revenue during his research and Mr. Miller said Midwest Display, Inc. was a for profit business and certain revenue details would not be revealed.

Commissioner Hall asked who would offer the carriage and hay rides. Mr. Miller said the rides would be contracted from those who were licensed. Mr. Miller said the details were not finalized and he explained that Miller Davis had purposely not gone into the community to promote the park in order to avoid undermining the support of the Commissioners. Mr. Miller said all necessary permits would be obtained, including required permits from the Planning Department.

Commissioner Hall questioned the amount for sponsorships and Mr. Miller said the sponsorships were proposed at \$500 per display. Mr. Miller said trades may occur, such as with a television provider in exchange for the park's publicity on television.

Commissioner Hall said the taxpayers should be mentioned as a player in the project since the taxpayers funded SCC. Mr. Miller responded that the taxpayers would be the biggest benefactor.

Commissioner Hall asked what percentage of the evening receipts would go to nonprofits. Mr. Miller said those details had not been worked out. Mr. Miller reiterated that Miller Davis had not yet approached the nonprofits in order to avoid undermining the Commissioners approval of the concept.

Commissioner Hall asked who would manage the number of vehicles and people attending. Mr. Miller said that Emergency Services Director Frank Thomason had been contacted and that he had agreed to head a task force to develop a plan for traffic control and emergency situations with the Sheriff's Department, Rescue Squad, Department of Transportation, Highway Patrol, etc.

Commissioner Hall asked how the number of vehicles and people would be managed from a monetary standpoint and Mr. Miller said there would be counters. Mr. Miller also said a large amount of monies collected would be through wireless credit card scanners. Mr. Miller said there would be a balance and check for each night.

Commissioner Hall questioned how much would be reimbursed for the police officers. Mr. Miller said once the concept was approved, a detailed plan would be put into place to depict the number of officers needed.

In response to a query from Commissioner Hall, Mr. Miller explained how the economic impact figures were derived. Mr. Miller said the figures were based on standards from previous years; however, based on the current economy, the "playbook is gone" as to what the economy would actually warrant for this year.

Commissioner Hall asked who would field telephone calls regarding the event and Mr. Miller said the TDA and Miller Davis. Mr. Miller said information about the park would be easily accessed online and there had also been discussions pertaining to a 24-hour number for citizens to call for pre-recorded information about Glittering Nites.

Commissioner Hall questioned the involvement of the TDA. Mr. Meacham said the TDA would assume the toll-free number since the TDA had a designated toll-free number. Mr. Meacham said people already identify with the Convention and Visitors Bureau for travel information and for major events coming to the County.

Mr. Van Geons said the event would be at no cost to the EDC. Mr. Van Geons said the EDC supported the concept and felt it would be beneficial to the community and the goals of the EDC.

Mr. Meacham said from a tourism perspective, the TDA did not typically vote on endorsing an event as it was not within the scope of TDA legislation to determine if an event could happen. Mr. Meacham said it had been a pleasant surprise to have someone offer to pay for an event, as opposed to having someone ask for tourism dollars to help make it happen.

Commissioner Hall asked who the auditor would be and Mr. Miller said that had not been determined. Mr. Miller said those details would not be defined until the project was approved to move forward. Mr. Miller said Miller Davis did not have control over the revenues, which was the responsibility of Midwest Display, Inc.

Mr. Miller said once approved, he would be glad to report back to the Board on the specifics that had been asked.

Mr. Miller said the park had been a concept for years. Mr. Miller said Miller Davis employed 28 people and performed marketing and advertising worldwide. Mr. Miller said in the grand scheme of things, marketing for the proposed park was a small project and his agency was trying to bring the concept to "life".

Commissioner Hall referred to page 12 of the Restrictive Covenants for SCC and pointed out that illuminated signs were not allowed. Commissioner Hall also read an email generated in 2007 from County Attorney Jay Dees pertaining to the Restrictive Covenants.

Mr. Dees said the debate when his opinion was rendered in 2007 dealt with the Restrictive Covenants and commercial versus industrial and permanent uses on the lots. Mr. Dees said the County could amend the Restrictive Covenants with consent of the three (3) property owners.

Commissioner Hall said to her knowledge this was the first request for a use of this type at SCC and that she was concerned in not knowing the specifics of the Restrictive Covenants.

Commissioner Mitchell said he was glad the County Attorney had not spent county dollars in reviewing the Restrictive Covenants since the Board had not yet approved the concept for the lighted Christmas park. Commissioner Mitchell said if the majority of the Board approved the concept, he would recommend, if necessary, that a condition be included to amend the covenants after review by the County Attorney. Commissioner Mitchell stressed that the question at the moment was whether the Commissioners supported the concept for the lighted park at SCC. Commissioner Mitchell said he was also glad that Miller Davis had not gone into the community to obtain services from different groups when the Board had not yet discussed the matter. Commissioner Mitchell commended those who had taken the appropriate steps in bringing the issue to the Board. Commissioner Mitchell said the proposal was not at the place where details such as admission costs, revenues, etc. should have been worked out. Commissioner Mitchell said the County was not paying for the lights or the marketing but was rather a silent partner for the use of county property. Commissioner Mitchell said he supported the concept and could not think of one negative for the project. Commissioner Mitchell said he was personally grateful to Midwest Display, Inc. for considering Rowan County as a site for its professional light display.

Commissioner Hall asked if Commissioner Mitchell was stating that final approval would be during the contract review. Commissioner Mitchell said for the current meeting, he expected a motion to support the concept with several factors that had to be negotiated for final approval. Commissioner Mitchell said once the restrictions for approval were in place and met with the satisfaction of staff, such as the insurance requirements, the Chairman should sign the contract.

Commissioner Hall asked who operated the Christmas light display for Tanglewood Park and Mr. Meacham said he was not certain who operated the display; however, he said the park was a government owned property.

Commissioner Hall said she thought it was premature at this point to offer approval for Mr. Miller's proposal.

Commissioner Coltrain discussed the potential benefits regarding approval of the request. Commissioner Coltrain also said he had contacted several of the references provided for Midwest Display, Inc. and he had been advised that the experiences with Midwest Display, Inc. had been positive.

Commissioner Coltrain said based on the information that had been provided, he moved to support the effort to enhance the lives in the community and to move forward.

Commissioner Barber said he would second the motion, if allowed to amend the motion. Commissioner Barber said he would like for the motion to read for the Board to instruct Staff to move forward to approve a contract with Midwest Display, Inc. and Miller Davis regarding the proposal for Glittering Nites of Salisbury-Rowan conditioned on the following:

1. The duration of the contract is only for the time period that is necessary to set-up, run, and breakdown the event.
2. The event will run from Wednesday, November 25, 2009 to Sunday, January 3, 2010.
3. The hours of operation are from 6:00 p.m. to 11:00 p.m.
4. A financial compensation agreement for Rowan County will be agreed upon.
5. All liabilities will be covered with insurance coverage as deemed necessary by Rowan County.
6. All required permits will be obtained from County and any other necessary governmental agencies.
7. All public safety issues have a plan in place especially regarding traffic flow and security approved by the Department of Transportation, Rowan County Sheriff, Highway Patrol, Rowan County EMS and the Rescue Squad.
8. A statement of non-liability (disclaimer) regarding any of the financial obligations of the vendors for the event.

9. All electricity requirements regarding the event (displays, skating rink, Christmas Village, etc.) will be the sole responsibility of the vendors.
10. Written approval of the current property owners in Summit Corporate Center.
11. The contract would not impede on any of the restrictive covenants that are in place.
12. A final agreement for approval and final execution is brought before this Board at the next scheduled meeting on September 8, 2009.

Chairman Ford said the Rowan County Fair Association was a non-profit organization and paid the County \$25,000 for the rights to use the fairgrounds property for four (4) weeks. Chairman Ford said he would like to see the County receive \$25,000 for the Christmas park at SCC, plus a percentage, whether five or ten percent, to go towards several non-profits. Chairman Ford said he would like to ensure that details are worked out with the Sheriff's Department, etc. to avoid the County having to pay any overtime to employees. Chairman Ford said he would like to see the pricing dropped to \$10 per car, \$25 for vans and \$75 for buses. Chairman Ford said he also wanted to see full financial disclosure after the event. Chairman Ford said he supported the concept but it would depend on the details as to whether he supported the contract.

Chairman Ford opened the floor for a vote on the motion and Commissioner Hall asked if there could be further discussion.

Commissioner Hall said she wanted to ensure that when the contract came back with the stipulations as mentioned by Commissioner Barber, that it was understood that the specifics would be answered, including whether the Restrictive Covenants needed to be changed and the timeline for doing so. Commissioner Hall said, "If that can be part of the motion I can support it but it is conditional on our Attorney being able to answer that, as well as some of the specifics that were asked tonight". Commissioner Hall said the Board was supporting the concept and Commissioner Barber said, "That was clearly stated in the motion".

Upon being put to a vote, the motion on the floor passed unanimously.

Chairman Ford called for a recess at 8:35 pm.

Chairman Ford reconvened the meeting at 8:45 pm.

6. CONSIDER REQUEST FOR TRANSFER OF OWNERSHIP OF BUILDING LOCATED AT 202 NORTH MAIN TO ROWAN MUSEUM, INC.

County Manager Gary Page discussed the proposal in the agenda packets from Rowan Museum, Inc (Museum). Mr. Page said the agreement would allow the

County to transfer the inside operation of the facility to the Museum, while the County would continue the outside maintenance, utilities and insurance. Mr. Page said the County would be responsible for the fire insurance and the Museum would be responsible for liability insurance for the inside operations. Mr. Page said the County would reserve the right to use the building in certain circumstances, such as for emergency courtroom space.

Mr. Page said the term was proposed for ten (10) years but was negotiable.

Mr. Page said the County currently appropriated \$20,000 per year towards the operation of the facility in addition to the maintenance.

Commissioner Barber felt the proposal was a good starting point and he said the \$20,000 for the Museum had already been disbursed for this year.

Commissioner Barber said in principal, he did not have a problem with the proposal for an operation that provided such a wonderful service to the County.

Commissioner Mitchell said in principal, he did not have any complaints with the proposal. Commissioner Mitchell said he would like to see discussions regarding the \$20,000 expenditure to the Museum.

Commissioner Hall said there had been some discussions pertaining to using the \$20,000 allocation for the exterior maintenance.

Chairman Ford thanked the Museum for its \$700,000 investment to the facility and for the services offered to the community. Chairman Ford expressed concern that approval of the proposal would allow alcohol to be served in the building and he said for that reason alone he could not support the request.

Commissioner Coltrain said he felt the County would be able to reduce its \$20,000 allocation based on the potential for the Museum to increase its revenues. Commissioner Coltrain said the \$20,000 could go towards maintenance and would protect the investment of the taxpayers.

Commissioner Mitchell said with the understanding that the County would review its appropriated amount, he would move approval of the document.

Commissioner Barber seconded and the motion passed 4-1 with Chairman Ford dissenting.

7. DISCUSSION REGARDING OCCUPANCY TAX

Commissioner Hall said she felt it would be helpful to revisit the timeline for which the occupancy tax had recently been approved for the City of Salisbury (City).

Commissioner Hall highlighted the information in the agenda packets and she pointed out that one of the goals for the City's retreats in 2007, 2008 and 2009

was to initiate actions to increase the occupancy tax rate from three cents to six cents in Salisbury.

Commissioner Hall said the County Commissioners had voted against increasing the occupancy tax in February 2009 and the City had voted to initiate its actions after the Commissioners had voted.

Commissioner Hall said the County was at the point where the legislation had passed in Raleigh to provide the option for the City to double the tax. Commissioner Hall pointed out that the increased tax could be used for capital tourism projects, which was previously prohibited.

Commissioner Hall said the County was at a major juncture based on the possible establishment of a separate TDA and occupancy tax by the City. Commissioner Hall said the County currently appointed ten of the eleven TDA members and she expressed hope that Commissioners would provide feedback to the current TDA as to how the County wished to proceed if the City progressed with a separate TDA.

Chairman Ford said he had talked with the County's legislative delegation, Mayor Susan Kluttz and council member Mark Lewis from the City. Chairman Ford said he had been informed that the issue must have support of both governing bodies and that he had dropped the issue since the County did not support the increased tax. Chairman Ford said Senator Andrew Brock had contacted him stating that he was surprised the issue had passed. Chairman Ford said it was not the fact that the tax had passed but rather the way it was passed.

Commissioner Coltrain said as the County's representative on the TDA, he had brought the issue before the Commissioners on February 2, 2009 and the Commissioners had not supported increasing the occupancy tax at that time. Commissioner Coltrain said the City had pursued an increased occupancy tax and the County had no responsibility for the City's actions. Commissioner Coltrain said since the increased occupancy tax had been approved, the North Carolina General Statutes required two (2) different TDA boards be established and that the funds from the two (2) taxes would have to be managed separately. Commissioner Coltrain expressed hope that one (1) group could make the decisions and work for the betterment of Rowan County.

Commissioner Barber said there had been a failure to communicate, specifically with the Board of Commissioners. Commissioner Barber said no one had mentioned the issue to him since the February meeting when the Commissioners had voted against increasing the occupancy tax. Commissioner Barber said the Commissioners had not stated in February that the Board reserved the right to revisit the issue in the future. Commissioner Barber said in order for the City to enact the occupancy tax, it must enact a separate TDA; however, there were options that could be explored to allow for a single board in the future.

Commissioner Barber suggested that the County ask for a “seat at the table” with the City by using Commissioner Coltrain as the County’s TDA liaison.

Commissioner Mitchell said there were two (2) separate issues to consider with the first being to work with the City and its endeavors to enact the 3 percent tax. The second issue was to look at how are local bills were being handled and whether the County was to take a position on every issue before a bill was considered. Commissioner Mitchell said the Board not only had to work with the City but also needed to understand what the legislative delegation expected from the County. Commissioner Mitchell said the County should have taken a position in February to be able to consider the tax in the future.

Commissioner Hall said the County did not have the staff to lobby the legislative delegation; however, the City had sent several employees to Raleigh and the legislative delegation had heard only one side. Commissioner Hall expressed hope that the City and County would be able to work together and move forward with one TDA.

8. DISCUSSION REGARDING EMPLOYEE HEAD COUNT COMPARED TO OTHER COUNTIES

Commissioner Barber said he had requested a head count comparison of Rowan County’s fulltime employees to other counties of similar populations and similar budget expenditures. Commissioner Barber said staff had provided the information on June 29, 2009; however, there had been little time to discuss or review the comparison and how the information was derived.

Commissioner Barber asked that the Board allow staff to gather additional information to determine if the counties benchmarked were correct counties, to determine true comparable numbers from those counties and also determine how the various departments (essential and non-essential services) actually function. Commissioner Barber used the duties of Rowan County’s Telecommunications and Library Departments as examples in the variation of services. Commissioner Barber said the County paid the North Carolina Association of County Commissioners (NCACC) \$14,000 in annual membership fees and should utilize its services. Commissioner Barber sought the Board’s approval for staff to revisit the comparison.

Commissioner Mitchell pointed out that the County was running “lean” and he asked how many staff hours the research would take.

Commissioner Coltrain questioned the timeframe and asked if the process could be allowed over a period of several months.

Commissioner Barber said he had been approached by several Department Directors who sought the same information and that he hated to deny them the

answer. County Manager Gary Page said the more time staff could be granted to perform the research, the better.

Commissioner Hall said she was curious as to the need for the information, even if the review revealed that Rowan County was operating a “lean” government. Commissioner Hall questioned the potential outcome of the data based on the current economy. Commissioner Barber responded, “We’ve got some data to benchmark from”. Commissioner Barber said he was asking for a detailed, comprehensive comparison by utilizing staff and the free resources of the NCACC.

Commissioner Coltrain asked if Commissioner Barber would be agreeable to receiving the information by the first of December.

Commissioner Mitchell said he would be more at ease if the Board did not set a time limit on the research.

Mr. Page said he would know more regarding the state of the County’s finances by the first of the year. Mr. Page said he would need the same data if additional cuts were necessary the first of the year.

By consensus, the Board agreed to allow staff to gather the requested information.

9. SELECT ALTERNATE VOTING DELEGATE FOR NCACC

County Manager Gary Page said the Board had previously selected Commissioner Coltrain as the voting delegate for the upcoming North Carolina Association of County Commissioners Annual Conference. Mr. Page said Commissioner Coltrain had been notified that he might not be able to attend the business meeting and he said if it was the pleasure of the Board, an alternate could be selected to represent the County.

Commissioner Mitchell moved, Commissioner Hall seconded and the vote to designate Chairman Ford as the alternate voting delegate passed unanimously.

10. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board’s consideration:

- Emergency Services – Budget restricted funds through United Way donation by citizen for EMS equipment/Services - \$77
- Health – To recognize reserved funds from FY 2009 - \$28,005

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the budget amendments as presented passed unanimously.

11. COUNTY MANAGER'S MONTHLY ACTIVITY REPORT TO THE BOARD

Chairman Ford thanked County Manager Gary Page for the monthly activity report.

Chairman Ford concluded by again reminding everyone of the need for food for the DSS pantry.

12. ADJOURNMENT

There being no further business to come before the Board, Commissioner Coltrain moved to adjourn at 9:24 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC
Clerk to the Board